UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Charles Jay Wolff

Plaintiff,

v. Civil No.06-321-PB

NH Department of Corrections,
Jeff Perkins and James Daly

Defendants.

DEFENDANTS' PROPOSED DISCOVERY PLAN
Fed.R.civ.P. 26(f)

DATE/PLACE OF CONFERENCE: Given Plaintiff's status as an incarcerated inmate, no conference was held

COUNSEL PRESENT/PRESENTING:

Defendants Counsel: Andrew B. Livernois
Assistant Attorney General
N.H. Department of Justice
33 Capitol Street
Concord, NH 03301

Plaintiff's Counsel: Charles Jay Wolff
pro se

CASE SUMMARY

THEORY OF LIABILITY: Plaintiff claims that his civil rights are being violated under 42 U.S.C. §1983 and RLUIPA, in that he is being denied a kosher diet.

THEORY OF DEFENSE: General denial of allegations; all applicable immunities, including sovereign immunity, qualified immunity, absolute immunity and official immunity; failure to state a claim for which relief can be granted; failure to exhaust

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administrative remedies under the PLRA; and any other defense that may be raised in the motions to dismiss or answers filed by any party

DAMAGES: Plaintiff is seeking declaratory and injunctive relief.

JURISDICTIONAL QUESTIONS: N/A

QUESTIONS OF LAW: The extent to which the facts as proven by the Plaintiff constitute a violation of Plaintiff's rights under the Constitution or RLUIPA.

TYPE OF TRIAL: Bench

DISCOVERY

TRACK ASSIGNMENT: Standard, 12-month track. Ready for trial in June 2008.

DISCOVERY NEEDED: Standard discovery, including depositions and interrogatories of key witnesses.

MANDATORY DISCLOSURES: Exempt under Rule 26(a)(1)(E).

ELECTRONIC INFORMATION DISCLOSURES (R. 26(f)): Defendants are unaware of any potential issues arising involving electronic discovery.

STIPULATION REGARDING CLAIMS OF PRIVILEGE/PROTECTION OF TRIAL PREPARATION MATERIALS (R. 26(f)): N/A

COMPLETION OF DISCOVERY: May 1, 2008

INTERROGATORIES: A maximum of 25 interrogatories by Plaintiff, and 25 interrogatories by each Defendant. Responses due 30 days after service unless otherwise agreed to pursuant to Fed. R. Civ. P. 29.

REQUESTS FOR ADMISSION: A maximum of 30 requests for admissions by Plaintiff and 30 requests for admissions by each Defendant. Responses due 30 days after service unless otherwise agreed to pursuant to Fed. R. Civ. P. 29.

DEPOSITIONS: A maximum of 10 depositions by plaintiff(s) and 10 by defendant(s). Each deposition limited to a maximum of 7 hours unless extended by agreement of the parties.

DATES OF DISCLOSURE OF EXPERTS AND EXPERTS' WRITTEN REPORTS:

Plaintiff: October 1, 2007 **Defendant:** December 1, 2008

The parties have not stipulated to a different form of expert report than that specified in Fed. R. Civ. P. 26(a)(2).

CHALLENGES TO EXPERT TESTIMONY: No later than 45-days prior to trial.

OTHER ITEMS:

JOINDER OF ADDITIONAL PARTIES:

Plaintiff: July 1, 2007 Defendant: August 1, 2007

THIRD-PARTY ACTIONS: None anticipated.

AMENDMENT OF PLEADINGS:

Plaintiff: July 1, 2007 Defendant: August 1, 2007

DISPOSITIVE MOTIONS:

To Dismiss: August 1, 2007

For Summary Judgment: January 1, 2008

SETTLEMENT POSSIBILITIES: Unknown at this time

MEDIATION: The Defendants do not believe that mediation would be fruitful for resolving this issue and are not inclined to pursue mediation.

WITNESSES AND EXHIBITS: As required by the rules regarding final pretrial procedures.

TRIAL ESTIMATE: 2 day(s)

TRIAL DATE: The two-week period beginning on June 3, 2008.

PRELIMINARY PRETRIAL CONFERENCE: The Defendants do not request a preliminary pretrial conference with the court before entry of the scheduling order.

OTHER MATTERS: N/A

Respectfully submitted,

NH DEPARTMENT OF CORRECTIONS,
JEFF PERKINS AND JAMES DALY

By their attorneys,

KELLY A. AYOTTE
Attorney General

/s/ Andrew B. Livernois
Andrew B. Livernois
Bar No. 14350
Assistant Attorney General
New Hampshire Department of Justice
33 Capitol Street
Concord, New Hampshire 03301-6397
(603) 271-3658

Certificate of Service

I hereby certify that a copy of the foregoing was mailed this day, postage prepaid, to:

Charles Jay Wolff
New Hampshire State Prison for Men
P.O. Box 14
Concord, NH 03301.

\s\ Andrew B. Livernois
Andrew B. Livernois

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